

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

CAPITAL ONE FINANCIAL CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 1:11cv750
)	
JOHN A. KANAS, et al.,)	
)	
Defendants.)	
_____)	

RULE 16(B) SCHEDULING ORDER

1. Upon consideration of the representations made by the parties at the Rule 16(b) Conference, the court makes the following rulings:

a. **Parties shall deliver to my chambers (not to the Clerk's office) a copy of every non-dispositive motion and every document relating to such a motion within one business day of filing it.**

b. Rule 26(a) disclosures, depositions, interrogatories, requests for documents and admissions, and answers thereto shall not be filed except on order of the court, or for use in a motion or at trial.

c. The Rule 26(f) report filed by the parties is approved, and shall control discovery to the extent of its application unless modified by the court herein or hereafter.

d. Any motion to amend the pleadings or to join a party shall be made as soon as possible after counsel becomes aware of the grounds for the motion.

e. No material designated “confidential” by any party shall be disclosed to anyone except outside counsel and their staffs until further order of the court. (No such material shall be filed with the court except in compliance with paragraph 2 below.)

2. *Sealing of Documents.* Filings under seal are disfavored and discouraged. See Virginia Department of State Police v. The Washington Post, et al., 386 F.3d 567, 575-76 (4th Cir. 2004). Counsel’s attention is directed to U.S. ex rel Carter v. Halliburton Company, et al., No. 1:10cv864 (document no. 44)(E.D. Va. 2011). Any motion to file documents under seal, including a motion for entry of a protective order containing provisions for filing documents under seal, must comply with Local Civil Rule 5 and must be docketed for a hearing or made in open court. The motion must state sufficient facts supporting the action sought, and each proposed order must include specific findings.

3. All motions, except for summary judgment, shall be noticed for hearing on the earliest possible Friday before the final pretrial conference. Non-dispositive motions must be electronically filed by 5:00 p.m. on the Friday before the Friday for which noticed, with responses due not later than 5:00 p.m. on the Wednesday before the hearing. Any reply should be filed as early as possible on Thursday. Dispositive motions and motions for patent claim construction shall be filed and briefed on the schedule set in Local Civil Rule 7(F)(1), which read together with Fed. R. Civ. P. 6(d) requires that an electronically filed motion be filed twenty-one (21) days prior to the hearing date.

4. All Fed. R. Civ. P. 12 issues shall be raised in one pleading unless leave of court is first obtained. All summary judgment issues shall be presented in the same pleading unless leave of court is first obtained.

5. All motions must adhere to the page limits set in Local Rule 7(F)(3). No pleading shall be in type less than ten (10) pitch or twelve (12) point.

6. Depositions, interrogatories, requests for documents and admissions, and answers thereto shall not be filed except on order of the court, or for use in a motion or at trial.

7. In non-jury cases, counsel shall file with the clerk at the beginning of trial written proposed findings of fact and conclusions of law. In jury cases, instructions shall be filed five (5) days prior to trial in accordance with Local Rule 51. Violation of this rule will constitute a waiver of objections to any instructions given.

It is so ORDERED.

/s/
Thomas Rawles Jones, Jr.
United States Magistrate Judge

Date: November 9, 2011
Alexandria, Virginia